

**Exhibit 5 to Plaintiff's Response
To Defendant's Motion for
Summary Judgment**

Report Type: Original
Confidential:**Atlanta Police Department
INCIDENT REPORT**Incident / CICA #: 05-100-0654
Report Status: Approved

I	Incident / CICA # 05-100-0654	Report Date / Time 04/10/2005 11:15	Date / Time Occurred From 04/09/2005 00:17	Date / Time Occurred To 04/10/2005 10:00	Officer Involvement Reported Case			
C	Incident Description Overdue Motorist/ Missing Truck & Product			Beat 309	County Fulton			
D	Location Of Incident (Street, City, State, Zip Code, Quadrant) 1045 South River Industri Blvd SE, Atlanta, GA 30315			Location Type Other/Unknown				
N	GA Codes: UCR Class : 9920:9999 Driving Without Consent			Attempt Only : No				
T	Family Violence : No			Bias Incident : No				
	Gang Related : No			Special Event : No				
	Temperature : Warm			Weather : 1-Clear				
	Weapon Or Tool : None			Alcohol Related? : No				
	Appears Drug Related? : No			Forced Entry? : No				
	Security Devices? : No			Work Requested Or Completed? : No				
F	Relationship Of The Parties			Police Action Taken	Reason No Arrest Made			
A								
M	Primary Aggressor Identified By			# Of Previous Complaints				
L								
S	Codes (Primary/Secondary) Victim		Type Business	Name / Business Name Benton Express				
U	Home Phone (404) 267-2200		Permanent Address 1045 South River Blvd, Atlanta, GA, 30315			Work Phone		
B	Temp. Phone		Temp. Address			Temp. Address Valid Until		
J	Race	Sex	DOB	Age	Height	Weight	Eye Color	Hair Color
E	White		M	03/24/1951	54			
C	Relation To Offender : None Prosecute/Testify? : Yes			Notified Of Rights? : No If No Injury, Describe Act : Owner of property				
T	Codes (Primary/Secondary) Reporting Person		Type Adult	Name / Business Name Jones, Bill				
S	Home Phone (678) 818-1924		Permanent Address 1045 South River Ind. Blvd, Atlanta, GA, 30315			Work Phone		
U	Temp. Phone		Temp. Address			Temp. Address Valid Until		
B	Race	Sex	DOB	Age	Height	Weight	Eye Color	Hair Color
J	White	M	03/24/1951	54				
E	Sobriety : Sober Notified Of Rights? : No Involved Injury? : No			Relation To Offender : Employer Prosecute/Testify? : Yes If No Injury, Describe Act : Reported incident				
C	Codes (Primary/Secondary) Suspect		Type Adult	Name / Business Name Stephens, Craig Anthony				
T	Home Phone (850) 937-8911		Permanent Address 1959 Stacey Rd, Cantonment, FL			Work Phone		
S	Temp. Phone		Temp. Address			Temp. Address Valid Until		
U	Race	Sex	DOB	Age	Height	Weight	Eye Color	Hair Color
B	Black	M	11/02/1964	40	6' 1"	170 lbs	Brown	Black
J	Build : Thin Involved Injury? : No Complexion : Medium Teeth : Normal Hair Style : Crew Cut Who ID'd This Person : Bill Jones			Sobriety : Unknown Skin Tone : Medium Brown Speech : Normal Oddity : Calm Facial Hair : Clean Shaven Occupation : Truck Driver				
E								
C								
T								

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V E H I C L E	Owner	Year	Make	Model	Style	Color (Top / Bottom)
		1996	Volvo	Tactor	Tractor	White/White
	Tag #	Tag State	Tag Type	Tag Year	Vehicle Type	
	A7701Q	GA	Commercial	2005	4-Truck, Semi w/Trailer	
VIN			Record Type			
4VGJDAPF8WN861488			Other			
Is Driver The Owner? : No			Was Driver Arrested? : No			
Vehicle Locked? : No			Ignition Locked? : No			
Keys In Ignition? : Yes						

N A R A T I V E	Topic: Information About Incident					
	<p>On 4-10-05 I was contacted by Bill Jones who is the Regional Manager for Benton Express. Mr. Jones reported that a truck driver by the name of Craig Anthony Stephens left Benton Express at 1045 South River Ind. Blvd. on 04-09-05 at 0017 hrs. driving the listed truck pulling a trailer loaded with floor tile, film products, and cleaning compound. Mr. Stephens was to take the load to Florida which was about a 6 hour trip. Bill Jones said that Mr. Stephens never made it to his destination with the load. Bill Jones and other company managers began trying to locate Mr. Stephens. Bill Jones said that Mr. Stephens would not answer his Nextel. They contacted Mr. Stephens' wife and she said that Mr. Stephens called her on 04-09-05 at 0030 hrs and told her that he was leaving Atlanta and would be home in a few hours and that is the last time she has heard from Mr. Stephens. The trailer that Mr. Stephens is pulling is silver and has "Trucks Inc." written on the side, the trailer number is 5074. The truck's number is 546 and has Benton Express written on the sides. Bill Jones said that Mr. Stephens has worked for the company for over one year and has been a good employee so far.</p>					

THE UNDERSIGNED, BEING DULY SWEORN, UPON HIS OR HER OATH, DEPOSES AND STATES THAT THE FOREGOING IS TRUE, CORRECT, COMPLETE AND LEGIBLE TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF.

Reporting Officer (Electronic Signature)	ID #	Assignment	Gender	Signed Date / Time	Off Days	Court Time
Off STAPLER, K J	1179	2350	M	04/11/2005 11:04	Fri, Sat	09:00
Supervisor (Electronic Signature)	ID #	Assignment	Gender	Signed Date / Time		
Sgt BATTLE, M A	1142	2396	M	04/11/2005 12:18		

Central Records (Electronic Signature)	ID #	VIC #	Signed Date / Time	Referred To
Civ BRINKLEY, K	1137		04/11/2005 17:53	Auto, Z-3

From: "David E. Tripp" <tripp.david@fhp.hsmv.state.fl.us>
To: "Gregory Brockwell" <GAB@carrallison.com>
Date: 9/12/05 1:58PM
Subject: RE: Benton Express BOLO

Mr. Brockwell:

Although the .wav file appears to one file, the telephone calls were received at the TRCC at the following times.

CALL DATE	TIME	
14:13:34	1	04/09/05
14:14:49	2	04/09/05
17:07:53	3	04/09/05
17:11:01	4	04/09/05
17:11:25	5	04/09/05
17:12:33	6	04/09/05

Captain David E. Tripp
Florida Highway Patrol
Tallahassee Regional
Communications Center
(850) 245-7720
(800) 459-6861
(850) 921-6119 Fax
(850) 591-9912 Cell
tripp.david@fhp.hsmv.state.fl.us
www.fhp.state.fl.us

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Monday, September 12, 2005 12:34 PM
To: tripp.david@fhp.hsmv.state.fl.us
Subject: Re: Benton Express BOLO

Captain Tripp,

Can you please confirm the date and time of the telephone conversations on the recording?

Thanks,

Gregory A. Brockwell
Carr, Allison, Pugh, Howard,
Oliver & Sisson, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, AL 35216
Telephone (205) 822-2006
General Facsimile (205) 822-2057

Direct Facsimile (205) 822-4058
gab@carrallison.com

This e-mail and any files transmitted with it
are confidential and intended solely for the
individual or entity to whom they are addressed.
If you are not the intended recipient, please do
not read, copy or retransmit this communication
but destroy it immediately. Any unauthorized
dissemination, distribution, or copying of this
communication is strictly prohibited.

>>> "David E. Tripp" <tripp.david@fhp.hsmv.state.fl.us> 09/12/05 09:17AM >>>

Dear Mr. Brockwell:

The Tallahassee Regional Communications Center is in receipt of your letter dated August 16, 2005 requesting all records regarding a crash in Montgomery, Alabama, on April 11, 2005. An exhaustive search of our records found the actual Teletype BOLO, which was issued to all available state law enforcement units that were in service at that time. The Teletype and the telephone .wav files from the original calls are attached. I regret that the actual radio transmission of the BOLO is not available. The DVD that held that transmission has been reused and the BOLO, which your office is looking for, has been recorded over with more recent transmissions. Therefore there will not be any cost for the attachments.

Captain David E. Tripp
Florida Highway Patrol
Tallahassee Regional
Communications Center
(850) 245-7720
(800) 459-6861
(850) 921-6119 Fax
(850) 591-9912 Cell
tripp.david@fhp.hsmv.state.fl.us
www.fhp.state.fl.us

Received: 2005-04-09 17:31:38
DEV-NBR-HDR:
MNE-HDR: H37900001
ATTN-HDR: SYSTEM GENERATED HEADER
DTE-HDR: 20050409
TIME-HDR: 1732
MSG-NBR-HDR: 00058

--FLORIDA ADMINISTRATIVE MESSAGE--

FROM: H37-90-0146
TO: REG-IO-N01
SUBJECT: ATTEMPT TO LOCATE

*****OVERDUE MOTORIST*****ATTEMPT TO
LOCATE*****PLEA
SE BOLO INFO TO ALL AVAILABLE FIELD UNITS*****
MOTORIST: CRAIG ANTHONY STEPHENS // B/M 41YE0 // 6'00
FLORIDA LICENSE S315101644020
SHOULD BE DRIVING A SEMI TRACTOR TRAILER WHITE IN COLOR WITH RED
WRITING ALONG THE SIDE "GENERAL COMMODITY" // ALSO HAS "546"
VISIBLE ON THE DOOR.
SUBJ LEFT ATLANTA GA ENROUTE TO PENSACOLA FL VIA THE FOLLOWING
ROUTE:
I85 IN GEORGIA TO MONTGOMERY ALABAMA
FROM ALABAMA HE WOULD HAVE TAKEN I65 SB TO FLUMMELTON TO HWY
113
FROM HWY 113 SOUTHBOUND INTO FLORIDA WHERE HWY 113 BECOMES
US29.
THERE IS NO RADIO CONTACT WITH HIM AT THIS TIME.
HIS WIFE ADVISED HE HAS NOT CONTACTED HER AT THIS TIME EITHER
THE TRAILER CONTAINS GENERAL PRODUCTS SUCH AS ELETICAL
MOTORS, TILES, AND
OTHER ITEMS NOTHING HAZARDOUS.
SEMI UNIT NUMBER IS 546
SEMI HAS FL TAG OF A7701Q UNK TRAILER TAG
TRAILER NUMBER IS 5074
ANY CONTACT WITH THIS SUBJ PLEASE ADV HIM TO MAKE CONTACT WITH
HIS SPV GLEN CLARK AT 850-232-2325 OR 850-479-8403 AND HIS WIFE ASAP
*****PLEASE CHECK ALL RESTAREAS AND/OR TRUCKSTOPPS FOR THIS
SUBJ*****
THANKS FOR YOUR ASSISTANCE